

PREFACE

P.1.1 What Is This Document?

This document is a Partially Revised Final Program Environmental Impact Report (EIR) for the Bay Area to Central Valley High-Speed Train (HST). The Partially Revised Final Program EIR document was prepared to address November 2011 court rulings in the *Town of Atherton* litigation (*Atherton 1* and *Atherton 2*) challenging the 2010 *Bay Area to Central Valley High-Speed Train (HST) Revised Final Program EIR/EIS*. In that litigation, the Superior Court found that the 2010 Revised Final Program EIR certified by the California High Speed Rail Authority (Authority) did not fully comply with the California Environmental Quality Act (CEQA), and identified the following issues requiring additional work:

- Recirculation is required to address noise, vibration, and construction impacts of shifting Monterey Highway.
- Recirculation is required to address traffic impacts on surrounding local roads due to narrowing Monterey Highway.
- Recirculation is required to address the impacts of potentially moving freight tracks closer to adjacent land uses along the San Francisco Peninsula.
- Recirculation is required to address impacts of reduced access to surface streets from potential lane closure along the San Francisco Peninsula.

In addition, the Court concluded that the Authority's CEQA finding on traffic impacts associated with narrowing Monterey Highway were not supported by substantial evidence.

The remainder of the 2010 Revised Final Program EIR either was not challenged in litigation and is presumed adequate, or was challenged in litigation and determined by the Court to comply with CEQA. The complete text of the 2009 ruling in *Atherton 1*, and the 2011 rulings in *Atherton 1* and *Atherton 2*, can be reviewed on the Authority's website at http://www.cahighspeedrail.ca.gov/ba_cv_program_eir.aspx.

To comply with the court rulings, the Authority recirculated revised portions of the prior 2010 Revised Program EIR and 2008 Final Program EIR in a document called the Bay Area to Central Valley HST Partially Revised Draft Program EIR (Partially Revised Draft Program EIR) for 45 days. By the close of the 45-day public comment period, the Authority received more than 50 written letters/submissions and verbal statements at the public meeting, totaling more than 400 individual comments.

This Partially Revised Final Program EIR is a multi-volume document that includes the text of the Partially Revised Draft Program EIR, with some textual modifications in response to comments; comments on the Partially Revised Draft Program EIR; a list of persons, organizations and agencies commenting on the Partially Revised Draft Program EIR; responses to the significant environmental points raised in the comments; and the full text of the 2010 Revised Final Program EIR, including volumes 1 and 2 (text and responses to comments) and the 2008 Final Program EIR, including volumes 1 and 2 (text and appendices) and volume 3 (responses to comments).

P.1.1 How Do I Use This Document?

The Partially Revised Final Program EIR includes three distinct stages of the Authority's program EIR process for the Bay Area to Central Valley study area: (1) one volume consists of the 2012 revised and recirculated portions of the August 2010 Revised Final Program EIR and 2008 Final Program EIR and

comments and responses thereupon; (2) two volumes consist of the 2010 revised and recirculated portions of the May 2008 Final Program EIR; and (3) three volumes comprising the May 2008 Final Program EIR. The following identifies the components of each part of the Partially Revised Final Program EIR.

PARTIALLY REVISED FINAL PROGRAM EIR

The Partially Revised Final Program EIR is organized into nine (9) chapters that collectively address the issues identified by the Superior Court in the *Town of Atherton* rulings from November 2011.

Chapter 1, Introduction and Summary: Describes the basis for recirculating portions of the prior Program EIR analysis; summarizes the revised material being recirculated; identifies the public comment period for the revised and recirculated material, the notices provided to the public, and how many comments were received; describes how the Revised Final Program EIR will be used by the Authority; and describes the relationship of the Program EIR to second-tier, project-level EIR work in progress.

Chapter 2: Additional Noise & Vibration Analysis

This chapter adds to Chapter 3.4 of the 2008 Final Program EIR. It analyzes noise and vibration effects of shifting a stretch of Monterey Highway between San Jose and Gilroy to implement the high-speed train project. It also analyzes noise and vibration related to the potential for moving freight rail activity to outside tracks along the San Francisco Peninsula and South of San Jose between Tamien and Lick, placing freight closer to adjacent land uses in some locations.

Chapter 3: Additional Traffic Analysis

This chapter adds to Chapter 3.1 of the 2008 Final Program EIR. It analyzes the traffic impacts on surrounding local streets resulting from the lane reduction on a stretch of Monterey Highway between San Jose and Gilroy to implement the high-speed train project. It also analyzes traffic impacts resulting from lane closures on adjacent parallel streets in some locations along the San Francisco Peninsula where the current Caltrain right of way would be expanded to accommodate the high-speed train project. Additional analysis is also provided for the potential loss of traffic lanes along the Oakland to San Jose corridor in the City of Hayward.

Chapter 4: Revised Construction Impacts Discussion

This chapter revises Chapter 3.18 from the 2008 Final Program EIR to clarify the construction impacts anticipated with the adjustments to Monterey Highway and movement of tracks in an active rail corridor to implement the high-speed train project.

Chapter 5: New Information and Effect on Program EIR Analysis

This chapter describes an assessment of new information and changed conditions since the Authority's September 2, 2010 decisions based on the Revised Final Program EIR, including the Draft 2012 Business Plan and the Revised 2012 Business Plan, and discusses the implications for the programmatic environmental analysis.

Chapter 6: Staff Recommendation of a Preferred Network Alternative for Connecting the Bay Area to the Central Valley and Information in Partially Revised Final Program EIR

This chapter discusses the information contained in the Partially Revised Final Program EIR, and in the 2008 Final Program EIR and 2010 Revised Final Program EIR, and concludes that the new and revised information does not change the previous staff recommendation that the Pacheco Pass Network Alternative serving San Francisco via San Jose is the Preferred Network Alternative.

Chapter 7: Unavoidable Adverse Impacts

This chapter discusses how the information contained in this revised material affects the unavoidable and adverse impacts described in Chapter 9 of the 2008 Final Program EIR and Chapter 8 of the 2010 Revised Final Program EIR.

Chapter 7A: Additional Design Features and Mitigation Strategies

This chapter includes additions to project design features and mitigation strategies based on input received in comments on the Partially Revised Draft Program EIR.

Chapter 8: List of Preparers identifies the authors of the Partially Revised Final Program EIR.

Chapter 9: Sources Used in Document Preparation identifies primary sources of information used in preparation of the Partially Revised Final Program EIR.

Chapters 10 – 19: Responses to Comments

The Partially Revised Final Program EIR includes copies of all written comments received during the public review period for the Partially Revised Draft Program EIR (January 6, 2012 to February 21, 2012) and transcripts of all verbal comments received during the public meeting in San Jose on February 9, 2012. Each letter/submission and comment is assigned a unique letter/submission number and comment number. Following each comment letter, a response is provided, referenced by comment number. Where appropriate, the response indicates where to find more information on the topic in the Partially Revised Final Program EIR.

2010 REVISED FINAL PROGRAM EIR

The Partially Revised Final Program EIR includes the two volumes of the 2010 Revised Final Program EIR.

The 2010 Revised Final Program EIR, Volume 1, includes a summary (ch. 1); and revised/new text of: the revised project description and revised impact analyses for San Jose to Gilroy (ch. 2); Union Pacific Railroad's statements refusing to allow use of its rights-of-way and the potential for needing additional property for the HST alignment alternatives (ch. 3); impacts to Union Pacific Railroad freight operations (ch. 4); revised information on costs and operations (ch. 5); a comparison of the HST network and alignment alternatives (ch. 6); identification of the preferred alternative (ch. 7); unavoidable adverse impacts (ch. 8); list of preparers (ch. 9); and sources used in document preparation (ch. 10).

The 2010 Revised Final Program EIR, Volume 2, includes all comments received on the March 2010 Revised Draft Program EIR and responses to those comments.

2008 FINAL PROGRAM EIR

The Revised Final Program EIR also includes the three volumes of the 2008 Final Program EIR.

The 2008 Final Program EIR, Volume 1, includes a summary and the entire text of: the project purpose and need and objectives (ch. 1); a description of the alternatives (ch. 2); the environmental setting, impacts analysis, and discussion of mitigation strategies (ch. 3); project costs and operations (ch. 4); economic growth and growth-related impacts (ch. 5); HST station area development (ch. 6); a comparison of the HST network and alignment alternatives (ch. 7); identification of the preferred alternative (ch. 8); unavoidable adverse impacts (ch. 9); public and agency involvement (ch. 10); outreach (ch. 11); list of preparers (ch. 12); distribution (ch. 13); sources used in document preparation (ch. 14); a glossary (ch. 15); index (ch. 16), and acronyms (ch. 17).

The 2008 Final Program EIR, Volume 2, includes all appendices.

The 2008 Final Program EIR, Volume 3, includes all comments received on the July 2007 Draft Program EIR and responses to those comments.

P.1.2 What Has Changed Since the Partially Revised Draft Program EIR?

The following updates, additions, and revisions have been made since the Partially Revised Draft Program EIR was circulated in January and February 2012 and have been included in this Partially Revised Final Program EIR.

Change	Location
Updated text to refer to Partially Revised Final Program EIR.	• All chapters
Updated text regarding the public comment process on the Partially Revised Draft Program EIR and preparation of Partially Revised Final Program EIR.	• Chapter 1
Clarification of noise screening measurement.	• Chapter 2, sections 2.1 and 2.3
Added text regarding additional mitigation strategies.	• Chapter 2, section 2.5
Added text indicating that no additional or unique vibration impacts would occur due to Monterey Highway.	• Chapter 2, section 2.5
Added Santa Clara County as an agency to work with on establishing traffic management measures as part of a second-tier project.	• Chapter 2, section 2.5
Updated text on San Francisco Peninsula traffic data collection dates.	• Chapter 3, section 3.1
Added text and tables related to AM traffic data and analysis.	• Chapter 3, section 3.2
Added clarifying text that the typical construction impacts also include highway capacity improvement projects.	• Chapter 4, section 3.18.3
Added additional construction noise mitigation strategies.	• Chapter 4, section 3.18.6
Revised text related to level of significance with implementation of mitigation strategies.	• Chapter 4, section 3.18.6
Updated discussion of the Draft 2012 Business Plan and Revised 2012 Business Plan.	• Chapter 5
Updated discussion of preferred alternative to incorporate comments received during public comment period for Partially Revised Draft Program EIR.	• Chapter 6
Clarified additional environmental resource topics potentially affected by grade separations.	• Chapter 7, Table 7-1
New Chapter 7A added with additional mitigation strategies and design practices based on responses to comments.	• Chapter 7A
Updated and added sources used in document preparation.	• Chapter 9

P.1.3 What Happens Next?

At the completion of this revised program environmental review process, the Authority will consider whether to certify the Partially Revised Final Program EIR. If the Authority certifies the Partially Revised Final Program EIR as complying with CEQA, it will then consider whether to take the following actions:

- Select a network alternative, alignment alternatives, and station location options for further study in second-tier, project-level EIRs; and
- Adopt CEQA findings of fact; and mitigation monitoring and reporting program. This may include a statement of overriding considerations.

Assuming the Authority decides to go forward with development of the HST system in the Bay Area to Central Valley study area, the Authority would focus future project analysis on the network alternative, alignment alternatives, and station options selected through this program environmental review process. Site-specific location and design alternatives for the alignment and station options selected at the program-level, including impact avoidance and minimization alternatives and strategies, would be further investigated and considered during second-tier, project-level environmental review.